REMARKS

Claims 1-14 remain pending in this application. Claims 1, 11, 13, and 14 have been amended by this response. The amendments have been made to clarify and more clearly define the claimed subject matter. The term "said second application" has been added to clarify that the application itself, and not the start up application uses data contained in the additional file.

The Applicants have attempted to define what a program represents and what a "startup application", specifically in Claim 1. The Applicants have proposed that they speak with the Examiner in a telephonic interview to address the specific 35 U.S.C. 112, second paragraph issues that the Examiner has with the application. That is, the Applicants intent to resolve the 35 U.S.C. 112 issue to the satisfaction of the Examiner, where the amendments in the present action may change as to provide for overcoming such as rejection (with the Examiner's approval).

Also, within the response to arguments, the Examiner does address the Applicants arguments about the Park reference. In the response to arguments though, the Examiner does not directly address the Applicants arguments concerning the other secondary references which were argued. For completeness, the Applicants have repeated the obviousness arguments so that the Examiner may help the Applicants better understand why the Examiner does not believe such arguments to be persuasive.

Rejection of claims 1, 6, 7, and 10-14 under 35 U.S.C. 102(b)

Claims 1, 6, 7, and 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Park et al. (U.S. Patent No. 6,460,180). Applicants disagree with this ground of rejection

In the formulation of the Examiner's rejection to Claim 1, the Examiner associates "trigger" from Park to different elements of claim 1. Hence, in reference to step a) he associates a "trigger" from Park with a "startup application" then in step d) he associates the "trigger" with "the file of additional data" which is contradictory.

Applicants respectfully disagree with the Examiner when he asserts that Park discloses a "second application using said file of additional data". Indeed **Park discloses an application using a trigger,** not a file of additional data. Park discloses to "extract a Uniform Resource Identifier (URI) **from the trigger,** access the Internet via modem to retrieve web content identified by the URI, merge the retrieved web content and television video together, and then drive the video encoder and audio digital-to-analog converter so that the merged content is displayed on a screen of a television in a fashion determined by the trigger" (see col. 8 line 17-29), or later "If **the trigger contains a script** (step 1106), then browser software in the receiver unit executes the script (step 1107) thereby affecting the enhancement" (see col. 8 lines 49-52). Hence, the Applicants are of the opinion the Examiner is confusing startup application (trigger) and additional data (rules) when comparing teachings from Park and claim 1.

Moreover the Applicants repeat the argument that Claim 1 recites **a second application using the file of additional data**. In the invention, **the additional data are present in the receiver since tested in step b)**. Park, on the contrary, teaches that data used by an application is web content, retrieved from the internet, hence data is not present in the receiver. This distinguish feature allows real time execution of the second application even if complex or needing huge amount of data. (Maetz P.4 [0087] … "the files of additional data contain data making it possible to carry out in the required time an improved application").

For the reasons given above for Claim 1, Applicants assert that the claim is patentable over the cited art of record. In addition, Applicants assert that Claims 6, 7, and 10 are patentable, as such claims depend on allowable Claim 1.

Independent claim 11 includes features similar to those found in claim 1 and is considered patentable for the reasons set forth above regarding claim 1. Therefore, it is respectfully submitted that the rejection to claim 11 is satisfied and should be withdrawn.

Claims 12-14 are dependent on claim 11 and are considered patentable for the reasons set forth above regarding claim 11. Therefore, it is respectfully submitted that the rejection to claims 12-14 is satisfied and should be withdrawn.

Rejection of claims 2-5 under 35 U.S.C. 103(a)

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. (U.S. Patent No. 6,460,180) as applied to claim 1, and further in view of Rodriguez et al. (U.S. Publication No. 2002/0059623).

For reiteration, the Office Action asserts that "startup application" as recited in amended claim 1 of the present arrangement is equivalent to "trigger" as recited in Park. In addition, the Office Action also asserts that "the file of additional data" as recited in claim 1 of the present arrangement is equivalent to "rules stored in the receiver" as recited in Park. Applicants respectfully disagree.

Park describes a method where startup of a trigger is allowed according to rules. Specifically, "[w]hen the receiver unit receives a trigger, the receiver unit determines whether a rule stored in the receiver unit applies to the trigger" (see col. 3, lines 9-24). The system of Park makes a determination regarding a rule based on an analysis of a list of rules for each trigger. More specifically "the trigger received is then checked against the second rule to determine whether the second rule applies to the trigger (col. 6, lines 22-24). In contrast, the present claimed arrangement only requires "testing for a presence in a memory of said receiver of at least one file of additional data" as recited in claim 1 and set forth specifically in paragraph [0009]. The present claimed arrangement does not require table tracking, management and utilization, which entails a high level of complexity. Therefore, Park neither discloses nor suggests a "startup application" and "file of additional data" as recited in amended claim 1 of the present arrangement.

In addition, Park neither discloses nor suggests "said second application using said file of additional data" as recited in amended claim 1 of the present arrangement.

The present arrangement determines that a file is present, and uses the file when the second application is activated. Specifically, "the files of additional data contain data making it possible to carry out in the required time an improved application" (paragraph [0087]). Contrary to the present arrangement, Park does not describe "rules" used by a second application. Instead, Park describes rules with a determined structure, such as a rule with "three fields" (col. 4, lines 23-25) while the present arrangement provides additional data that can be of different types. Specifically, "the files of additional data" may contain "data (video, audio, pictures)" (paragraph [0105]), and "the files of additional data contain the improved application" (paragraph [0048]). Park neither discloses nor suggests that additional information can include applications. Park only describes a trigger without a list of rules, or "file of additional data." Thus, Park neither discloses nor suggests "said second application using said file of additional data" as recited in amended claim 1 of the present arrangement.

Rodriguez describes a dual mode file system in a subscriber network television system. The dual mode file system can be described as including a memory with logic, and a processor configured with the logic to use remote data to support the processor until the logic detects that local data is available. (See paragraph [0006]).

Rodriguez, like Park, neither discloses nor suggests a "startup application," a "file of additional data" and "said second application using said file of additional data" as recited in amended claim 1 of the present arrangement. In contrast, Rodriguez describes a cache system where remote data is used until it is determined that the data is available locally. In order to facilitate this, the system of Rodriguez uses bilateral communication between a transmitting station and receiver including the steps of proposing the loading of enhanced services, acceptance or non acceptance by the user of the receiver, downloading of the enhanced services, and storage of the enhanced services in to the local memory of the receiver. (See paragraphs [0029] – [0031]). However, this is not the same as a "startup application" that tests for the "presence in a memory of said receiver of at least one file of additional data" and "if said file of additional data is present in said memory, starting up of a second application, said second application using said file of additional data." Thus, Rodriguez, like Park,

neither discloses nor suggests a "startup application," a "file of additional data" and "said second application using said file of additional data" as recited in amended claim 1 of the present arrangement.

In addition, the combination of Park and Rodriguez, similar to the individual systems, also neither discloses nor suggests a "startup application," a "file of additional data" and "said second application using said file of additional data" as recited in amended claim 1 of the present arrangement. A combination of Park and Rodriguez would produce a digital subscriber television network capable of storing data on a local physical drive, and able to enable or disable selected types of broadcast triggers. This is different from the present claimed arrangement which provides an interactive television process, where a "startup application" is received, the presence of a "file of additional data" is tested, and if the file is found, a "second application" is started, the "second application using said file of additional data." Thus, the combination of Park and Rodriguez, similar to the individual systems, neither discloses nor suggests a "startup application," a "file of additional data" and "said second application using said file of additional data" as recited in amended claim 1 of the present arrangement.

Claims 2-5 are dependent on claim 1 and are considered patentable for the reasons set forth above regarding claim 1. Therefore, it is respectfully submitted that the rejection of claims 2-5 is satisfied and should be withdrawn.

Rejection of claims 8 and 9 under 35 U.S.C. 103(a)

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. (U.S. Patent No. 6,460,180) as applied to claim 1, and further in view of Junqua et al. (U.S. Publication No. 2004/0236778).

As previously argued, the Office Action asserts that "startup application" as recited in amended claim 1 of the present arrangement is equivalent to "trigger" as recited in Park. In addition, the Office Action also asserts that "the file of additional data" as recited in claim 1 of the present arrangement is equivalent to "rules stored in the receiver" as recited in Park. Applicants respectfully disagree.

Park describes a method where startup of a trigger is allowed according to rules. Specifically, "[w]hen the receiver unit receives a trigger, the receiver unit determines whether a rule stored in the receiver unit applies to the trigger" (see col. 3, lines 9-24). The system of Park makes a determination regarding a rule based on an analysis of a list of rules for each trigger. More specifically "the trigger received is then checked against the second rule to determine whether the second rule applies to the trigger (col. 6, lines 22-24). In contrast, the present claimed arrangement only requires "testing for a presence in a memory of said receiver of at least one file of additional data" as recited in claim 1 and set forth specifically in paragraph [0009]. The present claimed arrangement does not require table tracking, management and utilization, which entails a high level of complexity. Therefore, Park neither discloses nor suggests a "startup application" and "file of additional data" as recited in amended claim 1 of the present arrangement.

In addition, Park neither discloses nor suggests "said second application using said file of additional data" as recited in amended claim 1 of the present arrangement. The present arrangement determines that a file is present, and uses the file when the second application is activated. Specifically, "the files of additional data contain data making it possible to carry out in the required time an improved application" (paragraph [0087]). Contrary to the present arrangement, Park does not describe "rules" used by a second application. Instead, Park describes rules with a determined structure, such as a rule with "three fields" (col. 4, lines 23-25) while the present arrangement provides additional data that can be of different types. Specifically, "the files of additional data" may contain "data (video, audio, pictures)" (paragraph [0105]), and "the files of additional data contain the improved application" (paragraph [0048]). Park neither discloses nor suggests that additional information can include applications. Park only describes a trigger without a list of rules, or "file of additional data." Thus, Park neither discloses nor suggests "said second application using said file of additional data" as recited in amended claim 1 of the present arrangement.

Junqua describes an interactive, multimodal user interface for storing and retrieving information. The replay file system captures information about each recorded program from the electronic program guide available via cable, satellite or internet. (See paragraph [0009]).

Junqua, like Park, neither discloses nor suggests "a startup application," a "file of additional data" and "said second application using said file of additional data" as recited in amended claim 1 of the present arrangement. Junqua describes an interactive user interface for storing and retrieving TV for future viewing, or otherwise known as replay TV. (See paragraph [0013]). This is not the same as "a startup application" testing for the presence of a "file of additional data" and "starting up of a second application" if a file of additional data is found, "said second application using said file of additional data." Thus, Junqua, like Park, neither discloses nor suggests "a startup application," a "file of additional data" and "said second application using said file of additional data" as recited in amended claim 1 of the present arrangement.

In addition, the combination of Park and Junqua, similar to the individual systems, also neither discloses nor suggests "a startup application," a "file of additional data" and "said second application using said file of additional data" as recited in amended claim 1 of the present arrangement. The combination of Park and Junqua would produce a television broadcast system with a replay TV feature and allowing for the enablement or disablement of selected broadcast triggers. However, this is not the same as "a startup application" testing for the presence of a "file of additional data" and "starting up of a second application" if a file of additional data is found, "said second application using said file of additional data." Thus, the combination of Park and Junqua, similar to the individual systems, neither discloses nor suggests "a startup application," a "file of additional data" and "said second application using said file of additional data" as recited in amended claim 1 of the present arrangement.

Claims 8 and 9 are dependent on claim 1 and are considered patentable for the reasons set forth above regarding claim 1. Therefore, it is respectfully submitted that the rejection of claims 8 and 9 is satisfied and should be withdrawn.

Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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